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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

IN RE SEPTEMBER 11 LITIGATION

21 MC 97 (AKH) 21 MC 101 (AKH)

This Document Relates to:

All Actions

NON-WAIVER AGREEMENT

WHEREAS, the parties to the above-captioned litigation have requested production of documents and information from the United States of America and several of its agencies or components (collectively, the "Government"), including the Federal Bureau of Investigation; and

WHEREAS, the Government wishes to cooperate with the parties to provide reasonably available, non-classified, non-privileged information that is relevant and material to the litigation, while avoiding unnecessary or undue burdens on the Government and preserving all applicable privileges and protections,

IT IS HEREBY AGREED, BY AND BETWEEN THE UNDERSIGNED COUNSEL, that:

- Any disclosure of a document (or portion thereof) or information by the 1. Government shall not constitute a waiver by the Government of any privilege or other protection that may be applicable to any document (or portion thereof) or information not disclosed.
- 2. This Non-Waiver Agreement does not constitute an agreement by the Government to produce any particular document or information in the litigation, and is without prejudice to any objections the Government may have to any party's discovery requests.

STIPIII	ATED	AMONG	COUNSEL

MICHAEL J. GARCIA
UNITED STATES ATTORNEY FOR THE (
SOUTHERN DISTRIGT OF NEW YORK
X_{11} X_{12} X_{13} X_{13}
By: Wull & I Wround
Beth E. Goldman
Sarah S. Normand
Jeannette A. Vargas
Assistant United States Attorneys
Attorneys for the United States
/
KREINDLER & KREINDLER LLP
116 (11. 10
By:/ Clerkly Chr
Marc S. Moller, Esq.
Liaison Counsel for PI/WD Plaintiffs
Liaison Coursel for 1 DWD 1 lainings
CLIFFORD LAW OFFICES
CLIFFORD LAW OFFICES
D.v.
By: Robert A. Clifford, Esq.
Liaison Counsel for PD/BL Plaintiffs
COMPON A NONCEMBER IN
CONDON & FORSYTH LLP
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Ву:
Desmond T. Barry, Esq.
Liaison Counsel for Aviation Defendants
FLEMMING, ZULACK & WILLIAMSON
n
By:
Richard A. Williamson, Esq.
Ligison Counsel for Ground Defendants

STIPULATED AMONG COUNSEL:

MICHAEL J. GARCIA UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK

By: Beth E. Goldman Sarah S. Normand Jeannette A. Vargas Assistant United States Attorneys Attorneys for the United States

KREINDLER & KREINDLER LLP

Ву: Marc S. Moller, Esq. Liaison Counsel for PI/ND Plaintiffs

CLIFFORD LAW OFFICES

Robert A. Clifford, Esq.

Liaison Counsel for PD/BL Plaintiffs

CONDON & FORSYTH LLP

By: Desmond T. Barry, Esq. Liaison Counsel for Aviation Defendants

FLEMMING, ZULACK & WILLIAMSON

Richard A. Williamson, Esq.

Liaison Counsel for Ground Defendants

STIPULATED AMONG COUNSEL:

MICHAEL J. GARCIA UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK

By: Beth E. Goldman Sarah S. Normand Jeannette A. Vargas Assistant United States Attorneys Attorneys for the United States KREINDLER & KREINDLER LLP

By: Marc S. Moller, Esq. Liaison Counsel for PI/WD Plaintiffs

CLIFFORD LAW OFFICES

By:_ Robert A. Clifford, Esq. Liaison Counsel for PD/BL Plaintiffs

CONDON & FORSYTH LLP

Desmond T. Barry, Esq. Liaison Counsel for Aviation Defendan

FLEMMING, ZULACK & WILLIAMSON

Richard A. Williamson, Esq. Liaison Counsel for Ground Defendants

STIPULATED AMONG COUNSEL:

MICHAEL J. GARCIA UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK

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By:	th E. Goldman		
	ah S. Normand		
	nnette A. Vargas	:	
	sistant United St		:
	orneys for the U	•	
KREII	NDLER & KRE	EINDLER LL	.P
Ву:			
	rc S. Moller, Esc		
Lia	uison Counsel for	r PI/WD Plain	tiffs
CLIFI	FORD LAW OF	FICES	
Ву:			
	bert A. Clifford,		
Lia	aison Counsel fo	or PD/BL Plai	ntiffs
CONI	OON & FORSY	TH LLP	
Ву:			
De	smond T. Barry,		•
Lie	aison Counsel fo	r Aviation De	<i>fendants</i>
FLEM	MING ZULAG	R WILLIAM	ASON ZAUDERER LL
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Richard A. Williamson, Esq. Liaison Counsel for Ground Defendants

SCHIFF HARDIN LLP

Beth D. Jacob, Esq.

Liaison Counsel for WTC7 Ground Defendants

SO ORDERED:

Hon. Alvin K. Hellerstein United States District Judge